

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:06CR89 CDP
)	
JOHN J. SCHROPP,)	
)	
Defendant.)	

ORDER

This matter is before the Court on defendant John J. Schropp, Jr.'s motions to suppress evidence and statements and on the government's motion to continue the trial because of a conflict with another trial setting.

Pursuant to 28 U.S.C. § 636(b), the motions to suppress were referred to United States Magistrate Judge David D. Noce. Judge Noce held an evidentiary hearing on April 20, 2006, and thereafter filed his Report and Recommendation, which recommended that the motion be denied. Defendant has filed timely objections to the Report and Recommendation.

I have conducted a de novo review of all matters relevant to the motions to suppress, including listening to the recording of the hearing and reviewing the exhibits received into evidence. After that review, and having fully considered

defendant's objections, I will adopt and sustain the thorough reasoning of Magistrate Judge Noce set forth in support of his recommended rulings issued on April 26, 2006. In particular, I agree that the search that lead to defendant Schropp's April 6, 2004 arrest was proper and did not violate any constitutional rights of this defendant. There was probable cause to arrest him, and none of the items seized on that date should be suppressed. As defendant waived or withdrew all of his other arguments regarding suppression, I will deny his motions.


Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [#113] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that defendant's motion to suppress evidence [#96] and motion to suppress statements [#97] are denied.

IT IS FURTHER ORDERED that the government's motion to continue trial [#180] is granted and the trial is removed from the August 21, 2006, trial docket and reset for trial for **September 5, 2006**. I find that, as with the last

request for continuance, the interests of justice in granting the continuance outweigh the interest of the defendant and public in a speedy trial.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 10th day of July, 2006.